

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1632

AF  
1632

In re

Patent Application of

Ralph R. Weichselbaum, et al.

Application No. 08/289,290

Confirmation No.: 1375

Filed: August 11, 1994

Examiner: Li, Qian J.

I, Anna Poppe, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date of my signature.

*Anna Poppe*  
Signature

*March 1, 2005*  
Date of Signature

"CONSTITUTIVE GENE EXPRESSION  
IN CONJUNCTION WITH IONIZING  
RADIATION"

**AMENDMENT TRANSMITTAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

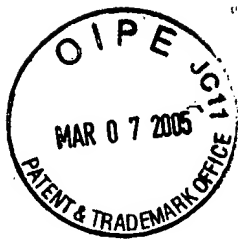
Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 in the above-identified application.

Charge or credit Deposit Account No. 50-0842 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

*Wendy M. Seffrood*  
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**AMENDMENT UNDER 37 C.F.R. § 1.116**

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Commissioner for Patents  
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Sir:

The above-noted application was finally rejected in an Office Action dated January 30, 2003. A Notice of Appeal was timely filed and received in the Patent Office on June 25, 2003. Subsequently, an Appeal Brief, a Corrected Appeal Brief and a Second Corrected Brief on Appeal were filed. An Examiner's Answer, mailed January 19, 2005 has been received by Applicants.

Applicants respectfully submit that entry of the amendments proposed herein is proper, under 37 CFR § 1.116, because the claim amendments have been prepared with the express purpose of reducing the number of issues on Appeal. Appellants thank the Examiner for the courtesy of a teleconference on March 1, 2005 in which she agreed that the amendment is proper and will

limit the issues on appeal. For reasons set forth above, and in view of the following remarks, Applicants respectfully request entry of the amendments proposed herein under 37 CFR § 1.116.

**Amendments to the Claims** are reflected in the **Listing of Claims** which begins on page 2 of this paper.

**Remarks** begin on page 7 of this paper.